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March 1, 2023

Via ECF

Hon. Andrew M. Edison
United States Magistrate Judge
United States District Court
Southern District of Texas
601 Rosenberg, Seventh Floor
Galveston, Texas 77550

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Re: No. 4:21-cv-00575, *In re Plymouth County Retirement Sys. v. Apache Corp., et al.*

Dear Judge Edison,

Pursuant to the Court’s Docket Control Order, Dkt. 86, the Plymouth County Retirement System (“Plymouth County”) and the Trustees of the Teamsters Union No. 142 Pension Fund (“Teamsters 142”) (collectively, “Lead Plaintiffs”) and Defendants Apache Corporation (“Apache”), John J. Christmann, IV, Timothy J. Sullivan, and Stephen J. Riney (collectively, “Defendants” and, together with Lead Plaintiffs, the “Parties”) provide the Court with this update concerning the status of their efforts to agree to a search protocol pertaining to Defendants’ document production in this matter.¹

Lead Plaintiffs served their First Set of Requests for Production on Defendants (“Requests”) on December 29, 2022, and Defendants served their Objections and Responses to Lead Plaintiffs’ Requests on January 30, 2023. Since December 2022, the Parties have engaged in good-faith negotiations on discovery matters in this action, including a proposed Discovery Confidentiality Agreement and Protective Order (“Protective Order”), which the Parties submit separately today for the Court’s approval. The Parties have also engaged in extensive discussions pertaining to the Search Protocol for Plaintiff’s Requests, and have agreed on individual document custodians whose documents Defendants will search in response to the Requests and produce as part of their rolling production.

The Parties are continuing to negotiate other components of the Search Protocol, including (i) the search terms that will be applied to emails and, where appropriate, non-custodial sources; and (ii) the custodial and non-custodial data sources that are available and that Defendants will search. The Parties are hopeful that continued negotiations on these remaining items will eliminate or limit any disputes. The Parties, therefore, respectfully request that they be permitted to continue such discussions until March 21, 2023, at which point they will report their

¹ The Docket Control Order requires, among other things, that within thirty (30) days of Defendants’ responses and objections to Plaintiff’s Requests, the Parties must agree to a search protocol (“the “Search Protocol”) or present to the Court any disputed issues pertaining to the Search Protocol.

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agreement to the Court or present to the Court for resolution any Search Protocol matters on which they disagree.²

/s/ Josh D'Ancona

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² Relatedly, the Parties are also negotiating a Discovery Protocol Regarding Electronically Stored Information and Paper Documents in an attempt to have an agreed-upon framework for certain aspects of the parties' collection, search, and production methodologies.
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